

OPINION
46-53

March 14, 1946 (OPINION)

CITY OFFICERS

RE: May Not Hold Liquor Licenses

This will acknowledge the receipt of your letter of March 11, 1946, in which you inquire whether or not a liquor dealer can hold the office of mayor or councilman on the governing board of a city.

The statutes do not specifically bar a liquor dealer or beer tavern keeper from holding the office of mayor or councilman, but because of conflicting interests it is my opinion that anyone engaged in business which requires a city license cannot hold such office. Holding the office of mayor or councilman and engaging in a business which requires policing is, in my opinion, contrary to public policy. Certainly a public official, including a mayor or councilman of a city, cannot vote on any question in which he is interested. The granting of liquor licenses and the determination of the amount of the local license fee is the function of the governing board of a municipality. Therefore, anyone engaged in the saloon business is engaged in an occupation which is incompatible with the office of mayor or councilman.

NELS G. JOHNSON

Attorney General